

Amendment No. 4 to SB3895

Cooper
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 3895*

House Bill No. 4011

by deleting Sections 1 and 2 in their entirety, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 40, is amended by adding the following as a new part 4:

4-40-401. This part shall be known and may be cited as the "Diabetes Prevention and Health Improvement Act of 2006".

4-40-402. As used in this part, unless the context requires otherwise:

(1) "Board" means the governing body of the Tennessee Foundation for Diabetes Prevention and Health Improvement.

(2) "Foundation" means the Tennessee Foundation for Diabetes Prevention and Health Improvement.

(3) "Non-profit organization" means an entity that is exempt from federal income taxation under § 501(a) of the Internal Revenue Code as an organization described in § 501(c)(3) of the Internal Revenue Code.

4-40-403.

(a) The Tennessee Foundation for Diabetes Prevention and Health Improvement is hereby established. The Foundation shall be attached to the department of finance and administration for administrative purposes, but shall be independent of the department.

(b) The purpose of the Foundation is to develop, implement and promote a statewide effort to combat the proliferation of Type 2 diabetes.

(c) The duties of the Foundation shall include the following:

(1) Utilizing available funds, in the discretion of the Foundation, to expand diabetes programs, to the greatest extent possible, currently

operating through the coordinated school health program created pursuant to title 49, chapter 1, part 10 ;

(2) Contributing available funds, in the discretion of the Foundation, to expand present diabetes education programs for adults operating through the public health departments;

(3) Developing, implementing and promoting new programs to encourage and support healthy lifestyle choices by the citizens of this state which are not duplicative of programs operating through the coordinated school health program and the public health departments;

(4) Providing informational resources and technical assistance to schools, business entities, non-profit organizations, agencies of state government, and political subdivisions of the state that are seeking information on best practices in the areas of Type 2 diabetes, obesity and healthy lifestyle choices;

(5) Conducting research and pilot projects with the objective of developing and disseminating best practices in the prevention and management of diabetes;

(6) Making policy recommendations to local, state and federal governmental entities related to controlling the proliferation of Type 2 diabetes and promoting healthy lifestyles in Tennessee; and

(7) Taking other necessary action to control the proliferation of Type 2 diabetes and encourage the adoption of healthy lifestyle choices by state citizens.

4-40-404.

(a) The Foundation shall operate under the direction of an eleven (11) member board of trustees. The governor shall appoint seven (7) members to the board, the speaker of the senate shall appoint two (2) members to the board and

the speaker of the house of representatives shall appoint two (2) members to the board.

(b) The membership of the board shall appropriately reflect the racial and geographic diversity of this state.

(c) In addition to the eleven (11) trustees appointed in accordance with subsection (a), the commissioner of health, the commissioner of education and the commissioner of agriculture, or their designees, shall serve as ex-officio, non-voting members of the board.

(d) The governor shall appoint a chairperson from the membership of the board, who shall serve a two (2) year, renewable term as chairperson.

(e) Trustees shall serve four (4) year, renewable terms; provided that of the initial trustees appointed:

(1) Three (3) trustees appointed by the governor shall be appointed for an initial term of four (4) years;

(2) One member appointed by the speaker of the senate shall be appointed for an initial term of three (3) years and one member shall be appointed for an initial term of two (2) years ;

(3) One member appointed by the speaker of the house of representatives shall be appointed for an initial term of three (3) years and one member shall be appointed for an initial term of two (2) years ;

(4) One (1) trustee appointed by the governor shall be appointed for an initial term of three (3) years and two (2) trustees appointed by the governor shall be appointed for an initial term of two (2) years; and

(5) One (1) trustee appointed by the governor shall be appointed for an initial term of one (1) year.

(f) Should a board position become vacant through resignation, removal, or other cause, appointments shall be made by the initial appointing authority to appoint a new member to serve the unexpired term. Trustees shall continue to

serve on the board after the expiration of their term until a new trustee is appointed.

(g) A quorum of the board shall be seven (7) trustees.

(h) Trustees shall receive no compensation for their service on the board, but may be reimbursed for those expenses allowed by the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general and reporter.

(i) The board shall adopt and implement a policy related to conflicts of interest to ensure that all trustees avoid any situation that creates an actual or perceived conflict of interest related to the work of the Foundation.

(j) The board shall submit an annual report to the governor, speaker of the house and speaker of the senate by June 30 of each year. Such report shall include detailed information on the operation and financial status of the Foundation.

4-40-405.

(a) The Tennessee Foundation for Diabetes Prevention and Health Improvement trust fund is hereby established as a special agency account in the state general fund. The purpose of this trust fund is to carry out the programs established by the Foundation pursuant to Section 4-40-403.

(b) Moneys appropriated to or received by the Foundation shall be invested by the state treasurer in accordance with applicable general law, except as qualified by this part. Such monies shall be held separate and apart from all other moneys, funds, and accounts in a special agency account within the state general fund.

(c) Any balance remaining unexpended at the end of a fiscal year in such account shall be carried forward into the subsequent fiscal year.

(d) Investment earnings credited to the assets of such account, including but not limited to interest, shall be carried forward into the subsequent fiscal year.

(e) The Foundation is authorized to request and receive gifts, contributions, bequests, donations and grants from any legal and appropriate source to effectuate its purpose. Any such funds received shall be deposited into the special agency account created pursuant to subsection (a); provided, that, if any such items are not in the form of funds, any income, rents, or proceeds generated from the items shall be deposited into the trust fund.

(f) Moneys in the trust fund, and in any nonprofit entity created pursuant to § 4-40-406 shall be expended only in accordance with, and for the purposes stated in, the provisions of this part. No part of the fund shall be diverted to the general fund or any other public fund for any purpose whatsoever.

4-40-406. The Foundation is authorized to create or establish a non-profit organization which shall also be eligible to request and receive gifts, contributions, bequests, donations and grants from any legal and appropriate source to effectuate the Foundation's purpose. Any such funds received shall be deposited into the trust fund.

4-40-407. The Foundation is authorized to promulgate any rules necessary to carry out the proper administration of this part. Such rules shall be promulgated in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 2. Tennessee Code Annotated, Section 4-29-229, is amended by adding the following language as a new, appropriately designated subdivision:

() The Tennessee Foundation for Diabetes and Health Improvement Board of Trustees, created by 4-40-404;